

**MINUTES
GREENWOOD COUNTY COUNCIL
MARCH 2, 2010
GREENWOOD COUNTY COURTHOUSE
ROOM 201
5:30 P.M.**

PRESENT:	EDITH CHILDS
	RHETT DOMINICK
	GONZA BRYANT
	CHUCK MOATES
	PATRICK MOODY
	ROBBIE TEMPLETON
	ROBERT JENNINGS

VICTOR J. CARPENTER COUNTY MANAGER	THESSA G. SMITH ASSISTANT COUNTY MANAGER	KETEKASH CRUMP-LUKIE CLERK TO COUNCIL	CHARLES M. WATSON, JR. COUNTY ATTORNEY
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CALL TO ORDER

At 5:30 p.m. Mr. Templeton called the Greenwood County Council meeting to order and read the following statement: This is a regular meeting of County Council. Notice of this meeting was given by mailing an agenda to The Index-Journal, The Greenville News, and Gwdtoday.com. The Agenda was posted on the front door of the courthouse.

INVOCATION

The invocation was given by Chuck Moates.

PLEDGE OF ALLEGIANCE

Mr. Templeton invited the audience to join Council in the Pledge of Allegiance.

APPROVAL OF THE MINUTES OF THE FEBRUARY 16, 2010 REGULAR MEETING

Mr. Templeton recognized Mrs. Childs who made a motion to approve the minutes of the February 16, 2010 Regular Meeting. Mr. Dominick seconded the motion. The motion passed unanimously.

PUBLIC HEARING

Mr. Templeton read the following title: A Public Hearing to Receive Comments on a Proposed Temporary Construction Easement to Duke Power Company Over the Property Comprising the Greenwood Civic Center

Mr. Templeton recognized Mr. Carpenter, County Manager, who gave the following explanation:

- Duke Energy is currently working replacing an existing power line that runs through the Civic Center property.

- They have requested a temporary easement to allow them to install a temporary power line to provide service to the area while the permanent line is being replaced.
- There will be no impact on the Civic Center, and Duke Energy will clean up once they have completed the project

Mr. Templeton opened the public hearing. No one spoke in favor or in opposition. Mr. Templeton closed the public hearing and asked for a motion from Council.

Mr. Templeton recognized Mr. Bryant who made a motion to grant the temporary easement. Mr. Jennings seconded the motion. The motion passed unanimously.

PUBLIC HEARING

Mr. Templeton read the following title: A Public Hearing to Receive Comments on a Proposed Conveyance of Property Located at 1502 Edgefield Street to Greenwood Area Habitat for Humanity, Inc.

Mr. Templeton recognized Mr. Carpenter who gave the following explanation:

- This property is owned by the County which was previously occupied by the Food Bank who has since moved to the United Way Community Care Center
- A request has been made for the County to convey the property to the Greenwood Area Habitat for Humanity Inc.
- This would be a good of use for this building since the County has no need for it.
- This building would be an asset for Habitat for Humanities

Mr. Templeton opened the public hearing.

No one spoke in opposition. The following spoke in favor:

1. David Hord, 314 Salak Road, Greenwood

Mr. Templeton closed the public hearing and asked Council for a motion.

Mr. Templeton recognized Mr. Jennings who made a motion to approve the conveyance to the Greenwood Area Habitat for Humanity, Inc. Mrs. Childs seconded the motion. The motion passed unanimously.

THIRD READING (Title Amended)

Ordinance No. 2010-02

Mr. Templeton read the following title: An Ordinance Authorizing: (1) The Execution and Delivery of a Fee in Lieu of Tax and Incentive Agreement by and Among Greenwood County, South Carolina (“Greenwood County”) and Warner Lambert Company LLC, a division of Pfizer Inc. d/b/a Capsugel (the “Company”), pursuant to which Greenwood County Shall Covenant to Accept Certain Fees in Lieu of *AD VALOREM* Taxes; (2) Special Source Credits to Reimburse the Company for a Portion of the Cost of Certain Infrastructure or Real Property Cost Incurred in Connection with a Manufacturing or Commercial Enterprise Serving the Economic Development of Greenwood County; (3) The Benefits of a Multi-County Park to be made Available to Company; and (4) Other Matters Relating Thereto

Mr. Templeton recognized Mr. Bryant who made a motion to approve the Third Reading. Mr. Jennings seconded the motion. The motion passed unanimously.

THIRD READING (Title Amended) Ordinance No. 2010-03

Mr. Templeton read the following title: An Ordinance Adding Property to the Comprehensive Joint County Business and Industrial Park for Warner Lambert Company LLC, a division of Pfizer Inc. d/b/a Capsugel (Code Name: Project CAP)

Mr. Templeton recognized Mr. Bryant who made a motion to approve the Third Reading. Mr. Jennings seconded the motion. The motion passed unanimously.

THIRD READING (Title Amended) Ordinance No. 2010-04

Mr. Templeton read the following title: An Ordinance to Prohibit the Sale or Consumption of Alcoholic Beverages Between the Hours of 2:00 a.m. and 6:00 a.m. in Commercial Establishments Licensed to Sell Alcoholic Beverages for On Premise Consumption

Mr. Templeton recognized Mr. Dominick who made a motion to substitute a replacement ordinance which would also require such establishments to close between the hours of 2:00 a.m. and 6:00 a.m. and would prohibit any person from being on the premises during those hours. Mr. Moates seconded the motion.

Mr. Templeton recognized Mr. Jennings who expressed the following concerns:

- Owners of the establishments, and their employees, should not be prohibited from being on their own property during these hours.
- He could understand making the ordinance pertain to customers.

Mr. Dominick agreed to amend his motion so limit it to persons other than owners and employees. Mr. Moates concurred.

Mr. Dominick asked Council to allow Sheriff Davis to speak about the different types of licenses that are available in Greenwood County and the establishments that the proposed ordinance would be affecting. There were no objections from Council.

Mr. Templeton recognized Sheriff Tony Davis who informed Council about the five different licenses which are issued by the state:

1. Liquor Stores are allowed to sell liquor between 9 a.m. until 7 p.m. but the people are allowed on the premises during other times for deliveries and things of that nature.
2. A PBG permit is mostly for convenience and grocery stores which sell beer and wine to go, and the store must cease selling at midnight on Saturday nights
3. A PBW permit allows for on premise consumption for beer and wine, and the establishment must cease selling at midnight on Saturdays
4. A PLB permit allows restaurants with tables and seating capacity for at least 40 people to sell liquor, beer and wine by the drink. Sales of drinks containing liquor must cease after 2:00 a.m. Monday thru Friday. All sales must cease at midnight on Saturday. No sales are allowed on Sunday.
5. A PLC permit allows private clubs to sell beer and wine at any time and to sell drinks containing liquor between 10 a.m. until 2 a.m. seven days a week. In order to get this permit, the private club must be incorporated through the Office of the Secretary of State and have by-laws. Members cannot be admitted to the club until a waiting period of at least 24 hours has expired. This license is for organizations such as American Legion, VFW and Country Clubs; however, many of the County's local night clubs are getting this type of license, and some of those are the ones causing the problems in the County.

Solicitor Jerry Peace followed Sheriff Davis by speaking in support of the request by Sheriff Davis.

Mr. Bryant asked Sheriff Davis how the City of Greenwood's Police Department felt concerning the ordinance.

Sheriff Davis responded that he expects the City to pass an ordinance which is identical to what the County passes. They are trying to avoid people leaving the County and going to the City.

Mr. Templeton mentioned that the Mayor of the City of Greenwood had given him that same information.

Mr. Templeton recognized Mr. Jennings who stated that he has prayed about this decision and has talked with as many people in the community as possible and he further commented that this has been one of the most difficult decisions that he has had to make, but the overwhelming response he has received from the community is for him to support closing the establishments from 2 a.m. until 6 a.m. which coincides with Mr. Dominick's motion".

Mr. Templeton recognized Mrs. Childs who stated that she supports the Sheriff and his deputies, but knows that if you close down the clubs then there will be house parties. She continued that she is a victim of house parties and disclosed that her 32 year old son was in an accident October 30, 2000 that left him paralyzed because he was drinking at a house party. Mrs. Childs concluded by saying that if the owners will do what they need to do at 2 a.m., they have a right to have their businesses open because it is their choice.

Mr. Templeton recognized Mr. Moates who stated believes one of the principle roles of government is to provide for public safety and health which supersedes individual private property rights and places a priority on protecting the community as a whole and guaranteeing the welfare of the community. He went on to say this has been demonstrated by the Sheriff and that continuing to allow bars and clubs to remain open between the hours of 2 a.m. and 6 a.m. presents a significant threat to the safety and welfare of our community; places law enforcement officers in potentially hostile situations when they encounter groups of inebriated individual who may be a threat to others and to themselves. This request to close all bars and clubs between the hours 2 a.m. and 6 a.m. comes from the top law enforcement officer in the County, Sheriff Tony Davis. If he deems this to be an effective deterrent to reducing the number of assaults and stabbings, shootings and public drunkenness and would help him and his staff to maintain law and order in our community, we should wholeheartedly support him in this request which is not excessive or onerous and is based on law enforcement's experience and good common sense which seemed to him to be something that many politicians today lack. He concluded by urging members of Council to vote for this ordinance because it is the right thing to do in this

community; defeating this sends the wrong message to our community and to our law enforcement officers.

Mr. Jennings asked the Sheriff to clarify if this ordinance would be in effect for all five of the types of licenses he listed including the private clubs.

The Sheriff agreed with Mr. Jennings.

Mr. Watson stated that if every establishment with a license to sell for one premise consumption would be subject to the ordinance.

Mr. Moates moved the question, so Mr. Templeton asked the Council to vote on whether to substitute Mr. Dominick's motion for the pending motion. The motion to substitute carried with a vote of five to two with Mr. Templeton and Mrs. Childs voting in opposition.

Mr. Templeton next asked Council to vote on whether to pass the substituted motion. The vote carried with a vote of five to two with Mr. Templeton and Mrs. Childs voting in opposition.

Mr. Templeton thanked Council for their vote. He stated that he supports law enforcement and that he does not condone having people staying out all night drinking. However, he does support businesses and believed that the owners should be allowed to determine their hours of operation. He closed by saying that the reason he voted in opposition to this ordinance was more as a matter of principle regarding where government involvement should stop.

SECOND READING

Mr. Templeton read the following title: An Ordinance to Create the Raintree Subdivision Special Purpose District; to Merge the Raintree Subdivision Special Tax District into the Raintree Subdivision Special Purpose District; and to Provide for Other Matters Related Thereto

Mr. Templeton recognized Mr. Bryant who made a motion to approve the Second Reading. Mrs. Childs seconded the motion. The motion passed unanimously.

FIRST READING

Mr. Templeton read the following title: An Ordinance to Provide for the Issuance and Sale of a Not Exceeding Two Million Five Hundred Seventy-five Thousand Three Hundred Dollars (\$2,575,300) General Obligation Refunding Bond, Series 2010A of Greenwood County, South Carolina, to Prescribe the Purposes for which the Proceeds shall be Expended, to Provide for the Payment Thereof, and Other Matters Relating Thereto

Mr. Templeton announced that the Second Reading and Public Hearing will be held during the March 16th regular meeting of Council.

RESOLUTION

Resolution No. 2010-05

Mr. Templeton read the following title: A Resolution of the Greenwood County Council, the Governing Body of Greenwood, South Carolina, Designating the County as a Recovery Zone for the Purposes of the American Recovery and Reinvestment Act of 2009; and other Matters Relating thereto

Mr. Templeton recognized Mr. Carpenter who explained that the Stimulus Act provided for a series of bonds to allow entities to take advantage of the Stimulus Act; however, in order to qualify, you must be designated as a recovery zone. Upper Savannah Council of Governments (COG) has requested that Greenwood County request this designation because they have an interest in applying for some of the bonds. This has no impact on Greenwood County, but allows COG to apply for those bonds. Greenwood County could apply for these bonds which are subsidized tax deductible bonds that the federal government has offset some of the costs at a higher interest rate that taxable bonds carry allowing an entity selling bonds to get more people to bid on it. These bonds would not affect the amount on money that the County is allowed to have in bonds. A dollar amount has been allocated to the State of South Carolina and divided by counties. There are two types of bonds, one focusing on government and one on commercial entities. Roughly \$5 million dollars is available to Greenwood County that could be used by governmental agencies and \$8 million dollars by commercial entities.

Mr. Templeton recognized Mr. Moates who made a motion to approve the resolution. Mr. Bryant seconded the motion. The motion passed unanimously.

COMMITTEE REPORTS

ADMINISTRATION AND FINANCE/EDUCATION/APPOINTMENTS COMMITTEE

Item 1) Consideration of Deeding Property to the City of Greenwood

Mr. Templeton recognized Mr. Carpenter who stated that a small parcel of land is located behind City Hall and owned by Greenwood County; about enough for five or seven parking spaces that the City has requested access to. Greenwood County has

no use for this land and is not enough green space to have a significant impact but will help the City with their parking needs.

Mr. Templeton made a motion to schedule a Public Hearing to be held on the first Tuesday in April. Mr. Jennings seconded the motion. The motion passed unanimously.

JUSTICE/PUBLIC SAFETY/MILITARY AFFAIRS COMMITTEE – RHETT DOMINICK

Item 1) The Annual Sheriff's Deer Supper will be held March 18th at the Farmer's Market

PLANNING & DEVELOPMENT COMMITTEE – NO REPORT

ECONOMIC DEVELOPMENT COMMITTEE – GONZA BRYANT

Item 1) Recognized Mark Warner, newly appointed CEO of the Partnership

LAKE MANAGEMENT COMMITTEE – PATRICK MOODY

Item 1) Lake Greenwood Clean Up will be held March 13th beginning at 8:30 a.m. on numerous sites around the lake

Item 2) Recognized Mayor Arvist Turner and Mayor Pro Tem Steve Turner and thanked them for their attendance

PUBLIC WORKS – NO REPORT

RECREATION COMMITTEE – NO REPORT

DISTRICT REPORTS

District One – Edith Childs

- Thanked the Greenwood Census Committee for helping with 2010 Census Bus Tour held at the Little River Multicultural Complex on February 20th; thanked Councilman Jennings, Representative Pitts and Councilwoman Boles for their participation
- Reported the following from the Upper Savannah Meeting held Monday, February 8th
 - Greenwood has four Community Development Projects
 - Greenwood Regional Plan 20 \$50,000
 - Greenwood Ware Shoals waterline upgrade \$500,000
 - Greenwood Waterline II upgrade \$149,000
 - Greenwood Seaboard Sewer Upgrade \$499,000
 - 2010 Projects
 - Ninety Six Water/Sewer upgrade

- There is someone in District 1 who would like to donate property for the Fire Station for District 1

District Three – Gonza Bryant

- Recognized Ms. Gwen Wiggleton, this was her first time attending a Greenwood Council Meeting
- March 4th – 6 p.m. at Restoration Worship Center, a meeting of the Wheatfield residents will be held to discuss the revitalization of their neighborhood
- Announced that McKellar Farms subdivision have erected new mailboxes, however someone has knocked down several of those boxes but the residents were able to put them back up
- Thanked Council for their support of the Raintree Subdivision ordinance

MANAGER’S REPORT – Victor Carpenter

- Introduced George Martin, newly named General Manager for the Greenwood Metropolitan District.

EXECUTIVE SESSION

There was no need to have an Executive Session.

ADJOURNMENT

Mr. Templeton recognized Mr. Bryant who made a motion to adjourn. Mr. Jennings seconded the motion. The motion passed unanimously and the February 16th regular meeting of the Greenwood County Council adjourned at 6:30 p.m.

Respectfully submitted,

Ketekash Crump-Lukie,
Clerk to Council